

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:12-CV-323-GCM-DCK**

KELVIN J. IRIONS,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Application For Attorney's Fees Under The Equal Access To Justice Act" (Document No. 19) filed October 22, 2013. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and consent of Defendant's counsel, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that Plaintiff's "Application For Attorney's Fees Under The Equal Access To Justice Act" (Document No. 19) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$6,364.16, and that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within 30 days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payment to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA

fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

EAJA allows for fees and expenses to be paid by the defendant agency. See 28 U.S.C. § 2412(d)(4) (specifying that the defendant agency shall pay fees and other expenses). The \$6,364.16 attorney's fee shall be paid by the Social Security Administration.

SO ORDERED.

Signed: October 25, 2013



David C. Keesler
United States Magistrate Judge
